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In re Application of:	:	DECISION ON PETITION
LI, <i>et al.</i>	:	TO RESTART THE PERIOD
Application No. 09/655,893	:	FOR RESPONSE & WITHDRAWAL OF
Filed: September 06, 2000	:	HOLDING OF ABANDONMENT
Attorney Docket No.: 198-0191/198-0696	:	

This is a decision on the petitions filed on May 10, 2002, to restart the period for response due to late receipt of the Office action mailed on September 07, 2001 and to withdraw the holding of abandonment in the above identified application, filed September 24, 2002. A petition fee is not required.

The petitions are **GRANTED**.

The application was held abandoned for failure to timely file a response to the Office action mailed on September 07, 2001. A Notice of Abandonment was mailed on June 05, 2002.

Petitioner asserts that the Office action mailed September 07, 2001, was not received at the correspondence address until April 12, 2002. In support of these assertions, petitioner provided a copy of the first page of the Office action received bearing a "received" date stamp of April 12, 2002, a copy of the envelope wherein the Office action was enclosed, and a copy of petitioners' docket record. The envelope shows a postage date of April 06, 2002, and the docket record shows a receipt date of April 12, 2002.

A grantable petition to restart the previously set period for reply, pursuant to M.P.E.P. § 710.06, should meet the following criteria:

- (A) the petition is filed within two weeks of the date of receipt of the Office action at the correspondence address;
- (B) a substantial portion of the set reply period had elapsed on the date of receipt (e.g., at least one month of a two or three-month reply period had elapsed); and
- (C) the petition includes (1) evidence showing the date of receipt of the Office action at the correspondence address (e.g., a copy of the Office action having the

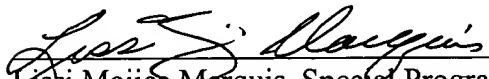
date of receipt of the Office action at the correspondence address stamped thereon, a copy of the envelope (which contained the Office action) having the date of receipt of the Office action at the correspondence address stamped thereon, etc.), and (2) a statement setting forth the date of receipt of the Office action at the correspondence address and explaining how the evidence being presented establishes the date of receipt of the Office action at the correspondence address.

The petition satisfies the above criteria. Accordingly, the petition to withdraw the holding of abandonment and the petition to reset the time period are granted.

In view of the above, the response to the Office action of September 07, 2001, submitted with the petition of September 24, 2002, is accepted as timely.

The application file is being forwarded to the Technology Center 2800 support staff for entry of the response received on September 24, 2002. From there, the application will be forwarded to the Examiner for appropriate action.

Inquiries regarding this decision should be directed to Lissi Mojica Marquis at (703) 308-2260.

  
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